

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 3:00-00091
	)	JUDGE CAMPBELL
KENNETH H. SMITH	)	

ORDER


By Order entered December 27, 2013 (Docket No. 84), the Court lifted the stay in this case after the Sixth Circuit Court of Appeals issued an *en banc* decision in *United States v. Cornelius Demorris Blewett*, \_\_\_ F.3d \_\_\_, 2013 WL 6231727 (6<sup>th</sup> Cir. Dec. 3, 2013). The Court ordered the Government to file a response to the Defendant's Motion For Modification Of An Imposed Term Of Imprisonment (Docket No. 77) on or before January 21, 2014, and the Defendant to file any reply on or before February 11, 2014.

In response, the Defendant filed a Reply (Docket No. 85) requesting that the Court reinstate the stay in this case until the Supreme Court rules on the petition for writ of certiorari expected to be filed in the Blewett case, and until Congress votes on pending Smarter Sentencing Act legislation. The Government has filed a Response (Docket No. 87) in which it does not oppose a stay pending a ruling in the Blewett case, but does oppose a stay pending consideration of the proposed sentencing legislation.

The Defendant's request for a stay in this case is DENIED. The Government shall file a response to the Defendant's Motion For Modification Of An Imposed Term Of Imprisonment

(Docket No. 77) on or before March 28, 2014, and the Defendant to file any reply on or before April 11, 2014.

It is so ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE